

16602 U.S. PTO  
07/15/99

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PTO/SB/05 (12/97)  
Approved for use through 09/30/00. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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| <b>UTILITY<br/>PATENT APPLICATION<br/>TRANSMITTAL</b><br><br>(Only for new nonprovisional applications under 37 CFR 1.53(b)) | Attorney Docket No. <b>044463.0013</b>                                  |  |
|  | First Named Inventor or Application Identifier <b>Cr scenti, et al.</b> |  |
|  | Title <b>Modular Backup and Retrieval System</b>                        |  |
|  | Express Mail Label No. <b>EJ199973988US</b>                             |  |

|  |  |
|--|--|
| <b>APPLICATION ELEMENTS</b><br>See MPEP Chapter 600 concerning utility patent application contents | <b>ADDRESS TO:</b><br>Assistant Commissioner for Patents<br>Box Patent Application<br>Washington, DC 20231 |
|--|--|

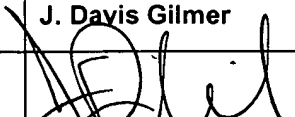
|   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17)<br>(Submit an original, and a duplicate for fee processing)   | 6. <input type="checkbox"/> Microfiche Computer Program (Appendix)   |
| 2. <input checked="" type="checkbox"/> Specification (preferred arrangement set forth below) [Total Pages <b>37</b> ]<br>- Descriptive title of the Invention<br>- Cross References to Related Applications<br>- Statement Regarding Fed sponsored R&D<br>- Reference to Microfiche Appendix<br>- Background of the Invention<br>- Brief Summary of the Invention<br>- Brief Description of the Drawings (if filed)<br>- Detailed Description<br>- Claim(s)<br>- Abstract of the Disclosure | 7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)<br>a. <input type="checkbox"/> Computer Readable Copy<br>b. <input type="checkbox"/> Paper Copy (identical to computer copy)<br>c. <input type="checkbox"/> Statement verifying identical of above copies   |
| 3. <input checked="" type="checkbox"/> Drawing(s) (35 USC d113) [Total Sheets <b>12</b> ]   | <b>ACCOMPANYING APPLICATION PARTS</b><br>8. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & Documents(s))<br>9. <input type="checkbox"/> 37 CFR §3.73(b) Statement (when there is an assignee) <input checked="" type="checkbox"/> Power of Attorney<br>10. <input type="checkbox"/> English Translation Document (if applicable)<br>11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations<br>12. <input type="checkbox"/> Preliminary Amendment<br>13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)<br>14. <input type="checkbox"/> Small Entity Statement(s) <input type="checkbox"/> Statement filed in prior application Status still proper and desired (PTO/SB/09-12)<br>15. <input type="checkbox"/> Certified Copy of Priority Document(s) if foreign priority is claimed<br>16. <input type="checkbox"/> Other:<br><small>*A new statement is required to be entitled to pay small entity fees, except where one has been filed in a prior application and is being relied upon.</small> |
| 4. Oath or Declaration (including Supplemental Declaration) [Total Pages <b>3</b> ]<br>a. <input type="checkbox"/> Unexecuted<br>b. <input type="checkbox"/> Copy from a prior application (37 CFR §1.63(d)) (for continuation/divisional with Box 17 completed)<br><br>[Note Box 5 below]<br>i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b><br>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR §1.63(d)(2) and 1.33(b).              |  |
| 5. <input type="checkbox"/> Incorporation By Reference (useable if Box 4b is checked)<br>The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.  |  |

17. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

Prior application information: Examiner \_\_\_\_\_ Group / Art Unit: \_\_\_\_\_

|  |   |           |                       |
|--|---|-----------|-----------------------|
| <b>18. CORRESPONDENCE ADDRESS</b>  |   |           |                       |
| <input type="checkbox"/> Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) or <input checked="" type="checkbox"/> Correspondence address below |   |           |                       |
| NAME   | <b>James D. Bennett<br/>Akin, Gump, Strauss, Hauer &amp; Feld, L.L.P.</b> |           |                       |
| ADDRESS  | <b>816 Congress Avenue, Suite 1900</b>                                    |           |                       |
| CITY   | <b>Austin</b>   | STATE     | <b>Texas</b>          |
| COUNTRY  | <b>U.S.A.</b>   | TELEPHONE | <b>(512) 499-6200</b> |
|  |   | ZIP CODE  | <b>78701</b>          |
|  |   | FAX       | <b>(512) 499-6290</b> |

|                   |   |                                   |                 |
|-------------------|---|-----------------------------------|-----------------|
| Name (Print/Type) | <b>J. Davis Gilmer</b>  | Registration No. (Attorney/Agent) | <b>P-44,711</b> |
| Signature         |  | Date                              | <b>7/15/99</b>  |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

**FEE TRANSMITTAL**

Patent fees are subject to annual revision on October 1.  
These are the fees effective October 1, 1997  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

**Compl te If Known**

|                      |                   |
|----------------------|-------------------|
| Application Number   | Unassigned        |
| Filing Date          | July 15, 1999     |
| First Named Inventor | Crescenti, et al. |
| Examiner Name        | Unassigned        |
| Group / Art Unit     | Unassigned        |
| Attorney Docket No.  | 044463.0013       |

TOTAL AMOUNT OF PAYMENT (\$ ) 896.00

**METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge to the following Deposit Account,

Deposit Account Number

01-0660

Deposit Account Name

Akin Gump Strauss Hauer &amp; Feld

- ☒ Charge any additional fee required or credit any overpayment ☐ Charge all indicated fees and any additional fee required or credit any overpayment

2. ☒ **Payment Enclosed:**

☒ Checks ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

| Large Fee Code      | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description        | Fee Paid          |
|---------------------|-----------------|----------------|-----------------|------------------------|-------------------|
| 101                 | 760             | 201            | 380             | Utility filing fee     | \$760.00          |
| 106                 | 310             | 206            | 155             | Design filing fee      | \$                |
| 107                 | 480             | 207            | 240             | Plant filing fee       | \$                |
| 108                 | 760             | 208            | 380             | Reissue filing fee     | \$                |
| 114                 | 150             | 214            | 75              | Provisional filing fee | \$                |
| <b>SUBTOTAL (1)</b> |                 |                |                 |                        | <b>(\$760.00)</b> |

**2. EXTRA CLAIM FEES**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 21                 | -20** = 1    | 18.00          | 18.00    |
| Independent Claims | 4            | -3** = 1       | 78.00    |
| Multiple Dependent |              | 0              | 0        |

\*\*or number previously paid, if greater; For Reissue, see below

|     |     |     |     |   |
|-----|-----|-----|-----|---|
| 103 | 18  | 203 | 9   | Claims in excess of 20                                    |
| 102 | 78  | 202 | 39  | Independent Claims in excess of 3                         |
| 104 | 260 | 204 | 130 | Multiple dependent claims in excess of 3                  |
| 109 | 78  | 209 | 39  | **Reissue independent claims over original patent         |
| 110 | 18  | 210 | 9   | **Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)** (\$ ) 96.00**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description   | Fee Paid |
|----------------|-----------------|----------------|-----------------|---|----------|
| 105            | 130             | 205            | 65              | Surcharge - late filing fee   |          |
| 127            | 50              | 227            | 25              | Surcharge - late provisional filing fee or cover sheet.                   |          |
| 139            | 130             | 139            | 130             | Non-English specification   |          |
| 147            | 2,520           | 147            | 2,520           | For filing a request for reexamination                                    |          |
| 112            | 920*            | 112            | 920*            | Requesting publication of SIR prior to Examiner action                    |          |
| 113            | 1,840*          | 113            | 1,840*          | Requesting publication of SIR after Examiner action                       |          |
| 115            | 110             | 215            | 55              | Extension for reply within first month                                    |          |
| 116            | 400             | 216            | 200             | Extension of time within second month                                     |          |
| 117            | 950             | 217            | 475             | Extension of time within third month                                      |          |
| 118            | 1,510           | 218            | 755             | Extension of time within fourth month                                     |          |
| 128            | 2,060           | 228            | 1,030           | Extension of time within fifth month                                      |          |
| 119            | 310             | 219            | 155             | Notice of Appeal  |          |
| 120            | 310             | 220            | 155             | Filing a brief in support of an appeal                                    |          |
| 121            | 270             | 221            | 135             | Request for oral hearing  |          |
| 138            | 1,510           | 138            | 1,510           | Petition to institute a public use proceeding                             |          |
| 140            | 110             | 240            | 55              | Petition to revive - unavoidable  |          |
| 141            | 1,320           | 241            | 660             | Petition to revive - unintentional  |          |
| 142            | 1,320           | 242            | 660             | Utility issue fee (or reissue)  |          |
| 143            | 450             | 243            | 225             | Design issue fee  |          |
| 144            | 670             | 244            | 335             | Plant issue fee   |          |
| 122            | 130             | 122            | 130             | Petitions to the Commissioner   |          |
| 123            | 50              | 123            | 50              | Petitions related to provisional applications                             |          |
| 126            | 240             | 126            | 240             | Submission of Information Disclosure Stmt.                                |          |
| 581            | 40              | 581            | 40              | Recording each patent assignment per property (time number of properties) | 40.00    |
| 146            | 790             | 246            | 395             | Filing a submission after final rejection (37 CFR 1.129(a))               |          |
| 149            | 790             | 249            | 395             | For each additional invention to be                                       |          |

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** 40.00**SUBMITTED BY**

Typed or Printed Name

J. Davis Gilmer

Signature

Date 7/15/99

Complete (if applicable)

Reg. Number

P-44,711

Deposit Account User ID

01-0660